

FILED

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
Southern Division

2002 APR -8 AM 9:07  
U.S. BANKRUPTCY COURT  
N.D. OF ALABAMA

In re:

SHOOK & FLETCHER INSULATION CO.

Debtor-in-Possession.

Case No. **02 02771**  
Chapter 11

**MOTION FOR ORDER LIMITING NOTICE  
AND SERVICE OF PLEADINGS TO  
DESIGNATED PARTIES AND REPRESENTATIVES**

Shook & Fletcher Insulation Co., as debtor and debtor-in-possession in the above-captioned case ("Shook" or "Debtor"), pursuant to Rules 2002(m) and 9007 of the Federal Rules of Bankruptcy Procedure, hereby moves this Court for entry of an order limiting notice and service to certain designated parties and representatives listed on the "Service List." The Debtor's proposed Service List is attached as Exhibit A and incorporated by reference. In support of this Motion, the Debtor respectfully represents:

**JURISDICTION AND VENUE**

1. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. § 1334(b). This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2). Venue of this proceeding and this Motion is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.
2. The statutory basis for the relief sought in this Motion is 11 U.S.C. § 105(a) and Federal Rules of Bankruptcy Procedure 2002(m) and 9007 (the "Bankruptcy Rules").

3

### **BACKGROUND**

3. On April 8, 2002 (the "Petition Date"), the Debtor filed its voluntary petition for relief under Chapter 11 of Title 11 of the United States Code (the "Bankruptcy Code"). The Debtor continues to operate its business and manage its properties as debtor-in-possession pursuant to Sections 1107(a) and 1108 of the Bankruptcy Code.

4. The Debtor incorporates by reference as if fully set forth herein the Declaration of Wayne W. Killion, Jr. in Support of Voluntary Petition and First Day Motions filed with this Court on the Petition Date.

### **THE SERVICE LIST**

5. The Debtor proposes that all pleadings filed by any party-in-interest in this case would be required to be served upon each of the following: (i) counsel for Shook; (ii) the Legal Representative and his counsel; (iii) the members of the pre-petition Unofficial Committee of Asbestos Claimants<sup>1</sup>; (iv) counsel for Shook's secured lenders (SouthTrust Bank, AmSouth Bank of Alabama, and Shook & Fletcher Supply Co.); (v) counsel for certain other parties-in-interest who participated in the pre-petition settlement agreements (Hartford Insurance Company, the Center for Claims Resolution, and Shook's shareholders); and (vi) the Bankruptcy Administrator for this District. In addition, any party filing a pleading seeking relief directly against any other person or entity not on the Service List would also be required to serve such pleading upon each person or entity against whom or which such relief is sought.

6. Service upon these parties is intended to strike a reasonable balance between service upon all creditors and avoiding the unnecessary cost and expense of providing notice to parties who are already appropriately represented, while maintaining the integrity of the notice

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<sup>1</sup> The Committee members are counsel who represent large numbers of individual asbestos claimants.

provisions under Bankruptcy Rule 2002. Service upon the foregoing representatives will assure adequate notice to all creditor and party-in-interest constituencies, as well as upon any party-in-interest directly affected by the filing of any particular pleading.

7. The Debtor also presently proposes to include on the Service List the names and addresses of those parties which file with the Court and serve upon counsel for the Debtor a written request for notices pursuant to Bankruptcy Rule 2002. The Debtor reserves its right to seek further relief from the Court should the number of Rule 2002 requests being filed increase the Debtor's service costs unreasonably.

#### **GROUND FOR THE RELIEF REQUESTED**

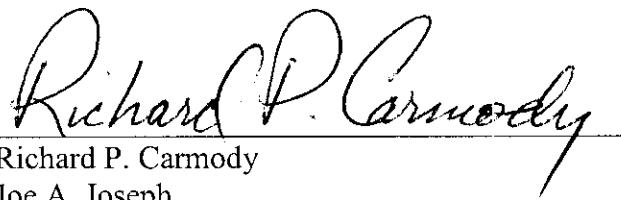
8. Bankruptcy Rule 2002(m) grants the Court authority to issue orders relating to the manner and form of notices, as well as to the designation of entities to whom notice shall be given, "except as otherwise provided in these rules." *Id.* The Debtor seeks authority to limit service in the manner herein described for all pleadings and notices, *except* for notice of (i) the commencement of this case, (ii) the § 341 meeting of creditors, (iii) any claims bar date which may be set in this case, and (iv) the deadlines for filing objections and the hearing to consider approval of the Disclosure Statement and confirmation of the Plan. Notice of matters listed in items (i) through (iv) will be governed by Bankruptcy Rules 2002(a) and (b), as applicable, and any orders of Court entered on the Debtor's (a) Motion for an Order (i) Scheduling a Combined Hearing on Approval of the Disclosure Statement and Solicitation Procedures, and to Consider Confirmation of the Prepackaged Plan of Reorganization, (ii) Establishing Deadlines and Procedures for Filing Objections to the Adequacy of the Disclosure Statement and Solicitation Procedures or Confirmation of the Plan, and (iii) Approving Form and Manner of Notice of

Confirmation Hearing, and (b) Motion to Approve Notice Procedures for Individual Asbestos Claimants, both of which are being filed with the Court on the Petition Date.

9. Bankruptcy Rule 9007 grants the Court the authority to direct the form, manner and recipients of notice to be given in a case, if not otherwise specified in the Bankruptcy Rules. Such relief is warranted in this case where any slight benefit of mailing pleadings to potentially thousands of creditors and parties-in-interest is far outweighed by the exorbitant costs and burdens that would place upon the Debtor and its estate, particularly given that the interests of such parties-in-interest are more than adequately represented in the case by those representatives on the Service List.

**WHEREFORE**, the Debtor respectfully requests that the Court issue an Order granting this Motion and approving the Service List attached hereto as Exhibit A, and granting such other and further relief as the Court deems proper.

Respectfully submitted,

A handwritten signature in black ink, reading "Richard P. Carmody". The signature is written in a cursive style with a horizontal line underneath the name.

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Proposed Attorneys for Shook & Fletcher Insulation  
Co., as Debtor and Debtor-in-Possession

Dated: April 8, 2002

**EXHIBIT A**

**PROPOSED SERVICE LIST**

**Shook & Fletcher Insulation Co.  
Service List**

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AmSouth Bank of Alabama  
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**In re:**

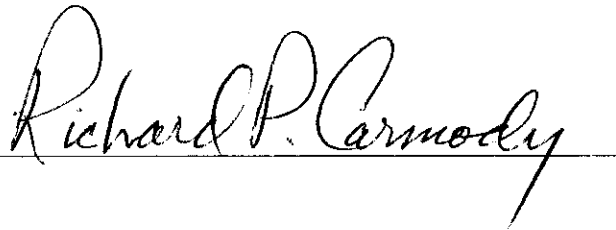
**SHOOK & FLETCHER INSULATION CO.**

**Debtor-in-Possession.**

**Case No. \_\_\_\_\_  
Chapter 11**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 8th day of April, 2002, I caused a copy of the foregoing Motion for Order Limiting Notice and Service of Pleadings to Designated Parties and Representatives and proposed Order to be served upon the parties on the attached Service List in the manner indicated.

  
\_\_\_\_\_

Shook & Fletcher Insulation Co.  
Attachment to Certificate of Service

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\* Parties designated with an asterisk were served by hand-delivery. All other parties were served by overnight mail.